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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/737,075	12/12/2003	Tung Yan Lau	4463	5215
7590	10/04/2004			
Mr. Eric Chan 42 Pin Oaks Drive Phoenixville, PA 19460			EXAMINER WONG, STEVEN B	
			ART UNIT 3711	PAPER NUMBER

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/737,075		LAU, TUNG YAN	
	Examiner		Art Unit	
	Steven Wong		3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ornament body in the shape of a cube, olive and cartoon character (claims 5-7); the screw thread engagement between the round opening and the bolt (claim 9) and the notch/projection arrangement between the opening and the bolt (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer (2,987,318) in view of Bosland (2,907,085). Regarding claims 1 and 2, Hammer discloses a three dimensional puzzle comprising a body (20), a plurality of interlocking puzzle pieces (28) attached to the surface of the body, a bolt (16) engaging the body and a base (12). Note column 2, lines 42-44 stating that the base may be replaced with a string or other support to allow for the device to be suspended.

Bosland discloses a writing device having a bolt (20) with an inserted ring (21) for facilitating carrying of the writing device. It would have been obvious to one of ordinary skill in the art to replace the base with a ring in order to allow the device to be suspended by a string for facilitating transportation of the puzzle.

Regarding claims 4-7, Hammer shows a spherical base (20), however, he states that the body may comprise any shape (column 1, lines 68-70). It would have been obvious to one of ordinary skill in the art to form the body as a cube, olive or cartoon character in order to increase the amusement of the puzzle.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer (2,987,318) in view of Bosland (2,907,085) and Barnes (3,618,955). Barnes discloses a three-dimensional puzzle including a body (10) and a plurality of puzzle pieces (16) that are magnetically attached to the body. It would have been obvious to one of ordinary skill in the art to replace the pegs (26) of Hammer with the magnetic attachment means of

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Barnes in order to provide an alternative means for releasably attaching the pieces to the body.

5. Claims 8/1, 8/2, 8/4, 8/5, 8/6 and 8/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer (2,987,318) in view of Bosland (2,907,085) and Balanchi (6,626,727). Balanchi discloses a construction toy comprising a plurality of bolts having magnetic ends for facilitating attachment therebetween. It would have been obvious to one of ordinary skill in the art to provide the bolt of Hammer with a magnetic end in order to removably secure the bolt to the body.

6. Claim 8/3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer (2,987,318) in view of Bosland (2,907,085), Barnes (3,618,955) and Balanchi (6,626,727). Balanchi discloses a construction toy comprising a plurality of bolts having magnetic ends for facilitating attachment therebetween. It would have been obvious to one of ordinary skill in the art to provide the bolt of Hammer with a magnetic end in order to removably secure the bolt to the body.

7. Claims 9/1, 9/2, 9/4, 9/5, 9/6 and 9/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer (2,987,318) in view of Bosland (2,907,085) and Coble et al. (2,725,234). Coble discloses a puzzle toy comprising a bolt (17) that receives a plurality of pieces for constructing the three-dimensional shape. The bolt is threaded at one end (36) for securely receiving one of the pieces. It would have been obvious to one of ordinary skill in the art to provide a threaded end for the bolt and recess of Hammer in order to securely attach the bolt and the body together.

8. Claim 9/3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer (2,987,318) in view of Bosland (2,907,085), Barnes (3,618,955) and Coble et al.

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(2,725,234). Coble discloses a puzzle toy comprising a bolt (17) that receives a plurality of pieces for constructing the three-dimensional shape. The bolt is threaded at one end (36) for securely receiving one of the pieces. It would have been obvious to one of ordinary skill in the art to provide a threaded end for the bolt and recess of Hammer in order to securely attach the bolt and the body together.

9. Claims 10/1, 10/2, 10/4, 10/5, 10/6 and 10/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer (2,987,318) in view of Bosland (2,907,085) and Kleinman et al. (D243,783). Kleinman discloses a puzzle construction including a bolt having a plurality of projections (note Figure 5) that are received by the body of the puzzle. It would have been obvious to one of ordinary skill in the art to form the bolt of Hammer with a plurality of projections and the body with corresponding notches in order to securely attach the bolt and the body together.

10. Claim 10/3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer (2,987,318) in view of Bosland (2,907,085), Barnes (3,618,955) and Kleinman et al. (D243,783). Kleinman discloses a puzzle construction including a bolt having a plurality of projections (note Figure 5) that are received by the body of the puzzle. It would have been obvious to one of ordinary skill in the art to form the bolt of Hammer with a plurality of projections and the body with corresponding notches in order to securely attach the bolt and the body together.

11. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystad (2,957,251). Nystad discloses a globe puzzle comprising a body (10), a plurality of puzzle pieces (44) attached to the surface of the body and a bolt and a ring (42) engaged with the body. It would have been obvious to one of ordinary skill in the art to

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form the bolt and ring separately with the ring passing through the bolt in order to provide an alternative arrangement that also enables one to carry the puzzle.

12. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystad (2,957,251) in view of Barnes (3,618,955). Barnes discloses a three-dimensional puzzle including a body (10) and a plurality of interlocking puzzle pieces (16) that are magnetically attached to the body. It would have been obvious to one of ordinary skill in the art to replace the attachment means (48) of Nystad with the magnetic attachment means of Barnes in order to provide an alternative means for releasably attaching the pieces to the body. It would have been obvious to one of ordinary skill in the art to provide interlocking pieces in order to have the puzzle resemble a conventional jigsaw puzzle.

13. Claims 9/1 and 9/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystad (2,957,251) in view of Coble et al. (2,725,234). It would have been obvious to one of ordinary skill in the art to provide a threaded end for the bolt and recess of Nystad in order to securely attach the bolt and the body together.

14. Claims 9/2 and 9/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystad (2,957,251) in view of Barnes (3,618,955) and Coble et al. (2,725,234). It would have been obvious to one of ordinary skill in the art to provide a threaded end for the bolt and recess of Nystad in order to securely attach the bolt and the body together.

15. Claims 10/1 and 10/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystad (2,957,251) in view of Kleinman et al. (D243,783). It would have been obvious to one of ordinary skill in the art to form the bolt of Nystad with a plurality of

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projections and the body with corresponding notches in order to securely attach the bolt and the body together.

16. Claims 10/2 and 10/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystad (2,957,251) in view of Barnes (3,618,955) and Kleinman et al. (D243,783). It would have been obvious to one of ordinary skill in the art to form the bolt of Nystad with a plurality of projections and the body with corresponding notches in order to securely attach the bolt and the body together.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 703-308-3135. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven Wong
Primary Examiner

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SBW

September 29, 2004